

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

IVAN SHORT,

Plaintiff,

v.

CIVIL ACTION NO. 1:18-00458

RANDALL MUTTER, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Findings and Recommendation ("PF&R") on November 15, 2018, in which he recommended that the district court grant the defendant Morgan's Motion to Dismiss (ECF No. 17), grant the defendants Mutter and Shelton's Motion to Dismiss (ECF No. 20), and grant in part and deny in part defendants WVDOC Commissioner and Terry's Motion to Dismiss (ECF No. 25), and remove this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days, plus three mailing days, in which to file any objections to Magistrate Judge Aboulhosn's Findings and Recommendation. The failure of any

party to file such objections constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

The parties failed to file any objections to the Magistrate Judge's Findings and Recommendation within the seventeen-day period. Having reviewed the Findings and Recommendation filed by Magistrate Judge Aboulhosn, the court adopts the findings and recommendations contained therein. Accordingly, the court hereby **GRANTS** the defendant Morgan's Motion to Dismiss (ECF No. 17), **GRANTS** the defendants Mutter and Shelton's Motion to Dismiss (ECF No. 20), and **GRANTS in part and DENIES in part** defendants WVDOC Commissioner and Terry's Motion to Dismiss (ECF No. 25), and removes this matter from the court's docket.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to plaintiff and counsel of record.

IT IS SO ORDERED this 22nd day of March, 2019.

ENTER:

A handwritten signature in dark ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge